UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,309	04/27/2001	James Horan Carey	5577-231	1223

			EXAMINER
20792	7590	02/27/2006	PHILPOTT, JUSTIN M

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ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

—A—

		Application No.	Applicant(s)
Advisory Action Before the Filing of an Appeal Brief		09/844,309	CAREY ET AL.
		Examiner	Art Unit	
		Justin M. Philpott	2665	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>23 January 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: <u>PTO-892 "Notice of References Cited" attached.</u>

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U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20060206

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's argument is not persuasive.

Specifically, applicant argues that Rao does not teach applicant's broadly recited claim 1 since Rao discloses that "[g]enerally described, ... application payload translation happens first and then ... header[s] will be translated" (col. 5, lines 54-56). Additionally, Examiner recognizes that an embodiment of Rao's invention (FIG. 4) indicates that payload data may be translated (e.g., at step 102) prior to a translation of headers (e.g., at step 106).

However, this teaching reflects only one aspect of the invention of Rao. First, Rao teaches "embedded address information 46 [in payload data 36, see FIG. 2] is translated at step 102 by translation engine 46. The translation is done in accordance with standard port address translation used to translate the IP addresses in the headers 32 and 34..." (col. 6, lines 26-31), implying a scenario where headers 32 and 34 would have already been translated in processing steps prior to FIG. 4. Further, Rao teaches the router 16 comprises a translation engine 60 which "performs port address translation [wherein port addresses 42 and 44 are included in transport header 34, see FIG. 2]" (col. 4, lines 40-42). It is only after this introductory step by router 16 that Rao later discloses the step to "determine whether packets received by the router 16 include embedded addressing information 46 and to identify included imbedded addressing information for translation" (col. 4, lines 53-56). Thus, Rao, again, indicates header translation prior to payload translation. Further supporting the above assertion, Rao additionally teaches maintaining a record system (e.g., records 70 in application table 68, see col. 5, line 1 - col. 6, line 50) whereby a record is checked to determine whether the packet is of a type which is to be translated, all in accordance with the header information 40/42/44. Such a record system is inherently updated, and accordingly, it would be updated to indicate the "type" is capable of including embedded addressing information, indicating the address header has been previously translated.

Finally, if applicant remains unconvinced that Rao anticipates at least applicant's broadly recited claim 1, applicant is directed to the additional prior art made of record and not relied upon but considered pertinent to applicant's disclosure:

USP 6,581,108 to Denison et al. also teaches applicant's claim 1, that is, translating addresses located in a payload of a packet (e.g., see col. 3, lines 24-26 regarding, "If a given incoming packet translated by the router 104 is determined to an SNMP packet, it is redirected by the router 104 ... for payload address translation") if at least one of a source address and a destination address located in a packet header has been previously translated (e.g., see col. 3, lines 18-20 regarding, "header information is translated using conventional NAT").

USP 6,772,347 to Xie et al. also teaches applicant's claim 1, that is, translating addresses located in a payload of a packet (e.g., see col. 6, line 58) if at least one of a source address and a destination address located in a packet header has been previously translated (e.g., see col. 6, lines 55-57).

USP 6,963,982 to Brustoloni et al. also teaches applicant's claim 1, that is, translating addresses located in a payload of a packet if at least one of a source address and a destination address located in a packet header has been previously translated (e.g., see col. 3, lines 35-40).

Thus, even if applicant's argument with respect to Rao was persuasive, at least claim 1, and similarly phrased independent claims, still are not allowable since such broadly recited limitations are frequently disclosed in the prior art, e.g., as in Denison, Xie and Brustoloni.

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